

**THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_ day \_\_\_\_\_, 2015

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF FINDINGS CONCERNING USE OF  
QUIMBY ACT FEES TO FUND CONSTRUCTION OF A GAZEBO AT  
NIPOMO COMMUNITY PARK**

The following resolution is hereby offered and read:

WHEREAS, the Rotary Club of Nipomo, a non-profit 501(c)(3) organization has partnered with the County of San Luis Obispo to construct a gazebo at Nipomo Community Park; and

WHEREAS, the Rotary Club of Nipomo has received support from residents, businesses and non-profit agencies; and

WHEREAS, the Rotary Club of Nipomo has committed to providing ongoing general maintenance for the gazebo for the first five years after construction, at no cost to the County; and

WHEREAS, the County's cost of long term maintenance of the gazebo will be recovered by rental fees generated from renting the gazebo and additional park entrance fees generated from people attending functions held at the gazebo; and

WHEREAS the Rotary Club of Nipomo has requested up to \$57,000 of Quimby Act fees to combine with private contributions and volunteer efforts for the development and construction of the gazebo within Nipomo Community Park to serve the subdivisions from which the fees were derived and residents and visitors of the County; and

WHEREAS, Policy 3.3 of the Parks and Recreation Element of the San Luis Obispo County General Plan directs staff to seek "joint use agreements, volunteer and other partnership opportunities to augment recreational services and reduce project costs"; and

WHEREAS, Government Code section 66477 (the "Quimby Act") and County Code sections 21.09.010 through 21.09.060 provide that Quimby Act fees are to be used only for the purpose of developing new or

rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision; and

**WHEREAS**, the County has sufficient undesignated funds available in the Quimby Act Fees accounts to contribute to this project; and

**WHEREAS**, the San Luis Obispo County Parks and Recreation Commission on April 23, 2015 supported the designation of Quimby Act Fees for funding of the gazebo at Nipomo Community Park.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Luis Obispo, State of California hereby finds, determines, and resolves as follows:

1. Quimby Act Fees are appropriate for the funding of the development of the gazebo at Nipomo Community Park.
2. Quimby Act Fees funding for the gazebo is appropriate as it is a recreation feature within Nipomo Community Park that serves the subdivisions from which the fees were derived
3. Funding for the gazebo is established and shall not exceed Fifty Seven Thousand Dollars (\$57,000) allocated from the Quimby Act Fee fund.
4. The gazebo is part of the Nipomo Community Park Master Plan that was previously approved by the Board of Supervisors on December 18, 2012.
5. An Environmental Impact Report was previously certified by the Board of Supervisors on December 18, 2012 as complete and adequate for the Nipomo Community Park Master Plan and as having been prepared in accordance with the provisions of the California Environmental Quality Act, the Environmental Impact Report determined that the gazebo's physical development and operation would not result in any potentially significant impacts to the environment.
6. The County Parks and Recreation Director is delegated authority to enter into a written agreement between the County Parks and Recreation Department and the Rotary Club of Nipomo for management of the project. The agreement shall be in a form approved by County Counsel and shall include provisions ensuring that all relevant and applicable laws and codes are followed including but not limited to those pertaining to prevailing wage requirements, building code(s), etc. and disbursing funds consistent with this purpose.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted:

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Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT  
Rita L. Neal  
County Counsel

BY: Shannon Matijevic  
Deputy County Counsel

DATE: 4/30/15